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8                   **IN THE UNITED STATES DISTRICT COURT**  
9                   **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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11                   **UNITED STATES OF AMERICA,**                   ) Case No.: CR 05-00531-JF  
12    ) Plaintiff,   )  
13    ) vs.    )  
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17                   FOR THE REASONS SET FORTH ABOVE IN THE STIPULATION BETWEEN THE PARTIES,  
18 IT IS HEREBY ORDERED that the time from October 28, 2009 to December 2, 2009 is hereby  
19 excluded from the time calculations of the Speedy Trial Act, 18 U.S.C. §3161 .

20                   The court finds the time from October 28, 2009 to December 2, 2009 excludable from  
21 the Speedy Trial Act requirements of Title 18, United States Code, sections 3161(h)(7)(A)and  
22 3161(h)(7)(B)(iv). The court finds that the time excludable in that the ends of justice served by  
23 granting this continuance of the status conference to December 2, 2009 outweigh the best  
24 interests of the public and the defendant in an earlier trial for the following reasons: defense  
25 counsel recently received the United States' Sentencing Memorandum on October 21, 2009 and  
26 requires additional time to review it and respond accordingly. For this reason, the court finds  
27 that a continuance of the status conference to December 2, 2009 is necessary to ensure both  
28 effective case preparation and the availability of defense counsel, and denial of such a

1 continuance would unreasonably deny defendant effective case preparation and continuity of  
2 counsel pursuant to 18 U.S.C. §§3161(h)(7)(A)and 3161(h)(7)(B)(iv).

3 Date: 11/5/09

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UNITED STATES MAGISTRATE JUDGE DISTRICT